

April 22, 1975

PRESIDENT: Senator Koch's asking unanimous consent to withdraw his kill motion. Is there an objection? It's so ordered.

We have with us one of the largest groups to attend the Legislature this session. We have some 122 juniors attending Central High School in Omaha here. They come from Senator Cavanaugh's district. They are American Government students. We appreciate your coming here. Welcome to the Legislature.

CLERK: Now Mr. President, there's another motion offered by Senator Stull to amend Section 9, line 18, strike "five" and reinstate "four". Signed, Senator Stull.

PRESIDENT: Chair recognizes Senator Stull.

SENATOR STULL: Mr. President, members of the Legislature, that is my amendment to strike the increase in putting another judge in the court. I don't see how in good conscience where their workload isn't increasing to put another judge in the court. Now I too have a feeling about a judge from this court being down here, he's lobbying. Any time you go out in the Rotunda you can see one of the judges. If their workload is so heavy I think he should apply himself a little more in his court. Now we don't go to the court and try to tell these judges how to resolve their cases. I resent that he's in here interfering with the legislative affairs. I would move the adoption of my amendment.

PRESIDENT: Senator Cavanaugh.

SENATOR CAVANAUGH: I'll oppose the amendment. If we keep this bill around long enough maybe everybody will understand workman's compensation and how the court works. Right now in workman's compensation you file a claim, you go to a one-judge hearing in the Workman's Compensation Court. The second procedure, you can go two ways. The normal course is to go to a three-judge hearing of the Workman's Compensation Court, then to the district court, then to the Supreme Court. However, if the plaintiff party fails to file for a rehearing, within 14 days to the three-judge hearing, he goes directly to the . . . the case then is removed directly to the district court. As I understand Senator Goodrich . . . I didn't hear all his comments. Apparently he was explaining that the number of cases that do that are 40 a year, under the current system. This means that those are 40 cases that the current three-judge panel of the Workman's Compensation Court does not hear. If the bill passed they would have to hear it. This is an additional workload that would be placed on the court that they would have to assume with the current four judges. According to the court they would not be able to adequately to assume this, which sounds reasonable if they are fulfilling what they are supposed to do. They are not hearing 40 cases a year in a three-judge panel. They would have to hear those additional cases. It would appear reasonable that they would have to have additional help to hear them.